

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ERNEST MURPHY,

Defendant.

No. 18-cr-373-11 (RJS)

ERNEST MURPHY,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.

No. 23-cv-1937 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

Defendant Ernest Murphy, proceeding pro se, moves to stay his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 pending the Second Circuit's resolution of his appeal from this Court's order denying his motion under Rule 33 of the Federal Rules of Criminal Procedure. *See* Doc. No. 977; *see also* Doc. No. 970. The government does not oppose that motion.

IT IS HEREBY ORDERED THAT Mr. Murphy's request for a stay is granted and the briefing schedule set by the Court's June 16, 2023 order, *see* Doc. No. 976, is stayed until further order of the Court. IT IS FURTHER ORDERED that the government shall submit a letter apprising the Court as to the status of Mr. Murphy's appeal and the continuing need for a stay by December 22, 2023 or within 48 hours of the resolution of the appeal, whichever comes first.

The Clerk of Court is respectfully directed to terminate the motion at Doc. No. 977 and mail a copy of this order to Mr. Murphy.

SO ORDERED.

Dated: June 26, 2023
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation